UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,345	08/23/2000	Tom Sharples	4905.P005	2756

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EXAMINER
BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/644,345	SHARPLES ET AL.
	Examiner	Art Unit	
	Vincent F. Boccio	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 September 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-48</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-48</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 September 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION
The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments
1.   Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

This action has been made non-final, based on the reasons provided by applicant on non-amended claims, further the examiner has located art deemed to be more directly associated and knowledge of the current state of the art, with respect to all amended and non-amended claimed subject matter.

Drawings
2.   The drawings were received on 9/28/04.

These replacement drawings Figs. 8 A, 8 B {one page}, have been approved by the examiner.

In response to page 11, drawing objections made, the examiner has approved the amended drawings, which at least identifies the claimed, wherein the HTML includes script, as claimed.

Previously made & New Objections to Drawings
3.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Therefore, the features of claims {3, script modified from a remote site … wireless}, 5, {7, not accepting user inputs based on type), 10, {19, 24, flow charts showing the operations}, {37, plurality of table entries}, 41, 42, 43, 44, {48 two channels if different} and all claims claiming any of the same elements, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement, drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

amended. The figure or figure number of an amended drawing
should not be labeled as "amended." If a drawing figure is to be
canceled, the appropriate figure must be removed from the
replacement sheet, and where necessary, the remaining figures
must be renumbered and appropriate changes made to the brief
description of the several views of the drawings for
consistency. Additional replacement sheets may be necessary to
show the renumbering of the remaining figures. The replacement
sheet(s) should be labeled "Replacement Sheet" in the page
header (as per 37 CFR 1.84(c)), so as not to obstruct any
portion of the drawing figures. If, the proposed changes are not
acceptable to the examiner the applicant will be notified and
informed of any required corrective action in the next Office
action. The objection to the drawings will not be held in
abeyance.

   In response page 11, applicant refers to various requested
elements of features to be shown for reasons to speed the
comprehension of what is disclosed and taught by applicant for
the benefit to those skilled in the art, some which are required
to have acknowledgement of what is prior art, such as the
examiner and the public.

   Applicant further cites, to the primary examiner
37 CFR 1.83, which references "convention features … not
essential for a proper understanding", the examiner agrees that
there does exist many conventional claimed features, but, it is
an issue is acknowledgement of what is claimed/taught allowing
for easier understanding.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms
   the basis for all obviousness rejections set forth in this
   Office action:

   (a) A patent may not be obtained though the invention is
   not identically disclosed or described as set forth in
   section 102 of this title, if the differences between the
   subject matter sought to be patented and the prior art are
   such that the subject matter as a whole would have been
   obvious at the time the invention was made to a person
   having ordinary skill in the art to which said subject
   matter pertains. Patentability shall not be negatived by
   the manner in which the invention was made.
   This application currently names joint inventors. In
   considering patentability of the claims under 35
   U.S.C. 103(a), the examiner presumes that the subject

matter of the various claims was commonly owned at the time
any inventions covered therein were made absent any
evidence to the contrary. Applicant is advised of the
obligation under 37 CFR 1.56 to point out the inventor and
invention dates of each claim that was not commonly owned
at the time a later invention was made in order for the
examiner to consider the applicability of 35 U.S.C. 103(c)
and potential 35 U.S.C. 102(f) or (g) prior art under 35
U.S.C. 103(a).

2. Claims 1, 5-8, 9, 11-12, 17, 21-22, 26, 30-31, 32, 33, 35, 36,
   41-42, 45-48 are rejected under 35 U.S.C. 103(a) as being
   unpatentable over Kanazawa et al. (US 6,580,870).

   Regarding claim 1, Kanazawa discloses and meets the
limitations associated with a method of controlling a device
in

- a first mode that executes a first process in a
  first operating environment to process user inputs
  (met by DVD playback, Fig. 19 A, video playback
  having DVD playback user control commands);

- displaying a first ML pages (HTML) that includes a
  first script;

(col. 20, lines 1-16 and col. 16-, "Therefore, **_scripting the
navigation commands_** enables the DVD video to be reproduced
directly from the HTML. For a script in the HTML, the following
is written when **a certain button has been pressed**. … This
enables playback to be resumed as playback is effected … the
playback of a DVD medium is controlled on the basis of the
displayed HTML file and a Tug {the examiner's believes should be
TAG} specifying the playback **_start position of the DVD video is
embedded in the HTML script_**. The method also, enables
interlocking display of DVD video and HTML contents."),

- this passage in combination with col. 16, associated
  with Fig. 19 A & B, which shows the HTML related
  content and URL, being interlocked with DVD video,
  according to col. 16, when the WEB button is pressed
  and a URL is included {associated with the WEB
  button}, the system stores the position and state of
  the DVD in order to resume thereafter, resumed by

either by the user or the system automatically
(timed by system),

•   further according col. 16, "It is, of course,
possible to display the browser while continuing the
playback of the DVD video.",

therefore, the first operating environment met by DVD
playback,

the second environment when the user selects the WEB
button and the URL exists the playback state is paused,
col. 16, lines 29-30, wherein based on the selection and
pause, thereby changing the environment to a WEB browser
environment with the DVD at least paused initially (Fig.
15, steps, press WEB key S81, Suspend S84, WEB page S89,
resume S92), wherein the user can interact with the HTML
code associated with the Button, if the URL is present,
which locates by address {URL}, the HTML contents, rendered
to the user thru the browser window (Fig. 19 B).

which allows a user to change the environment to the
WEB mode.

Kanazawa fails to particularly and clearly anticipate,
or clearly state, that, based on the selection of the WEB
Button, associated with a URL and HTML page, to store the return
address such as into the present HTML script, thereby
Enabling the resumption or to resume the video playback point
left off {upon selecting the WEB button}.

Kanazawa teaches upon selecting the WEB button to store the
playback position and state to resume, col. 16.

Kanazawa also teaches using scripting or script associated
with navigation commands, associated with, "a certain button",
col. 20.

Kanazawa also teaches, "For a script in HTML, the following
is written when a certain button has been pressed.", col. 20.

Kanazawa also teaches resumption of playback, by
utilization of HTML with script having a playback start position
embedded, col. 20, "HTML file and a tug/tag specifying the

playback start position of DVD video is embedded in the HTML
script." col. 20.

Therefore, it would have been obvious if not met considered
met by at least some of those skilled in the art, based on the
passages cited by the examiner, or to at least thereby render
obvious to those skilled in the art at the time of the invention
with Kanazawa, "alone", in front of themselves,

- upon selecting the WEB button to store/embed, the
  playback position in the HTML script,

- upon resumption, either automatically or user
  initiated to resume using the stored address in the
  HTML script, to resume the playback point left off,
  when resuming after pausing reproduction, after
  rendering the HTML page,

as is considered clearly obvious to the examiner in view of
the cited teaches and suggestions, further as the system is
clearly adapted to operate and perform the operations, as
disclosed and taught by Kanazawa, as is deemed to would have
been obvious, to those skilled in the art.

Regarding claim 5, Kanazawa as applied above meets the
limitation of processing user inputs in the process of control
with respect to the user thru modes such as wherein the DVD
video is synchronized with the HTML (met by Figs. 19 A & B,
being on the same screen with WEB button, "interlocking manner",
col. 20 etc……………………………………………………………).

Regarding claim 6, Kanazawa meets the limitation of one of
user inputs selected from a group motion sensor, a card swipe, a
button and a keyboard (Fig. 16, "remote control", col. 7, clicks
the WEB mark", requires at least a button).

Regarding claims 7 and 32, Kanazawa since a DVD playback
device even associated with a computer various apparatus
implementations, provides for user input to start playback, stop
commands, therefore, meets the limitations of dropping user
inputs based on a type of input, such as when the user selects
stop, pressing stop thereafter would be dropped in view of the
mode is already the desired mode therefore, will be dropped in
view of no action necessary due to being the present mode, also
reads on play, even pause, can't pause something already paused.

Regarding claim 8, Kanazawa is deemed to read on the claim
as written, in view of first mode DVD playback, second mode
provides for HTML text being a home page for examiner for user
interaction (such as Fig. 19 B, being an active text mode, while
19 A is a DVD video reproduction, without the browser window of
Fig.19 B, with additional information, also see cols.7-8
etc............................).

Regarding claims 41-42, Kanazawa fails to disclose
collecting user inputs at a point of sale and uploading
collected user inputs to a remote server.
The examiner takes official notice that a URL can point to
a cite providing goods and services for purchasing by user's
thru their system being some form of internet device (computer
with modem, even a computer with DVD, Fig. 17), whereby user can
do online purchases, selecting more than one item and
thereafter, presently sometimes referred to as a shopping cart,
whereby one or more selected items when selected are thereafter
collected and the goods and services selected, are uploaded upon
user selection completion, to a remote server for processing {or
online shopping}, as is well known in the art, therefore, it
would have been obvious in view of Kanazawa that the home page,
such as Fig. 19 A or B, the user could be provided with a site
either allowing for selection of a car and/or accessories for a
car or other, thereafter uploading the selected items ordered,
with the desired model and features or accessories for a car,
for example, as is obvious to those skilled in the art.

Claim 17 is analyzed and discussed with respect to the
claims above, but, comprises an additional limitation of a
storage memory, for MLps or HTML, met by Kanazawa, the HTML
prior to rendered is necessary to be cached/storage memory, also
see col. 17, "pages to be read in advance", thereby, "enables
pages to be displayed without delay", thereby storing pages of
HTML in a memory.

Regarding claim 48, Kanazawa clearly has at least one bi-
directional communication path thru the modem, wherein it is not
known to be inherent that there exist two separate channels of
the modem, but it is possible, but, as applied Kanazawa fails to
particularly describe and disclose a communication device to
transmit collected user inputs to a remote server on a first

channel and receive data content from a remote server on a
second channel.

The examiner takes official notice that it is well known in
the art, that the back-channel wherein the user sends to the
server can be separate from the path of reception or different
communications systems for sending -vs.- receiving, further the
interface with the WEB between reception and sending may be on
different RF channels, but basically the same standard/scheme is
used, therefore, it would have been obvious to those skilled in
the art, to utilize means of different channels {of one pipe}
even standards between receiving and sending (two separate
pipes), such as satellite transmissions can provide, but, such
as a phone line or other is used to send, most users normally
will send less data thru a back channel, being requested URL
HTML content or other, requiring a lower data rate pipe, thereby
sending low data rate data, to received the requested send on a
higher bandwidth channel/pipe (HTML, images and other), to the
user as is well known in the art and obvious to utilize two
separate and distinct, channels/systems, between sending and
receiving, therefore, would have been obvious to those skilled
in the art at the time of the invention to modify Kanazawa, by
utilizing two channels to provide for to and from data
transmissions between a user and the WWW/internet, URL HTML,
script content, as is obvious to those skilled in the art.

Claims 9, 11-12, 21-22, **26, 30-31, 33, 35, 36,** 39, 45-47,
are analyzed and discussed with respect to the claims above.

3. Claims 13-14, 15, 37, 39, 43-46 are rejected under 35
   U.S.C. 103(a) as being unpatentable over Kanazawa et al. (US
   6,580,870) in view of Gerba et al. (US 5,931,908).

   Claim 13 is analyzed and discussed with respect to
   Kanazawa, wherein Kanazawa further triggers the WEB button at
   specific times and further discloses at Fig. 3, having at
   least notice time information associated with the WEB button
   and URLs, also Fig. 4, having pre and post commands structures
   Fig. 18, even having PGC playback time information Fig. 25 B,
   therefore, fails to particularly anticipate, the limitations
   such as:

   •   having a register and a table of register values,
           for the purpose of triggering based on a time code

which corresponds, to a position within the video
stream, and an associated address and displaying by
triggered based on the time code table associated
with media time code.

Gerba teaches providing an actionable event table, such as
a lookup table, wherein the table uses time codes to trigger
events being graphical overlays (col. 6) and the ability for
the user to access the World Wide Web site for a given movie,
col. 2, wherein the actionable event table uses time codes
(col. 4 etc............................., SMPTE) to dictate the point in the
video material for the events (Fig.3), including overlay
address data etc., also one could access the WWW, therefore
some sort of URL to access, wherein according to col. 10, a CD
or DVD or tape or other formats can be used, thereby the
transmissions of the program would originate in the user's
home, as taught by Gerba.
Therefore, it would have been obvious to those skilled in
the art at the time of the invention to modify Kanazawa by
Incorporating a table of register values, for the purpose of
triggering based on a time codes corresponding to positions of
the video stream using corresponding time codes, thereby
triggered and displaying overlay interactive content, based on
the time code table associated with media time code, as taught
by Gerba.

Regarding claim 14 The examiner takes official notice that
wireless between a server and device is well known, being an
obvious conventional means for communications, therefore, it
would have been obvious to utilize one of the many means to
wirelessly receive and transfer requests by the user thru a
wireless means, as is well known, thereby not requiring a
physical wire type communication means, such as satellite or
other wireless means, as are well known.

Regarding claims 43, 44, Kanazawa fails to disclose collecting
user inputs at a point of sale and uploading (a communication
device), collected user inputs to a remote server or store user
inputs in a memory and to transmit user inputs to a remote
server.

The examiner takes official notice that a URL can point to
a cite providing goods and services for purchasing by user's
thru their system being some form of internet device (computer
with modem, even a computer with DVD, Fig. 17), whereby user can

do online purchases, selecting more than one item and thereafter, presently sometimes referred to as a shopping cart, whereby one or more selected items when selected are thereafter collected and the goods and services selected, are uploaded upon user selection completion, to a remote server for processing {or online shopping}, as is well known in the art, therefore, it would have been obvious in view of Kanazawa that the home page, such as Fig. 19 A or B, the user could be provided with a site either allowing for selection of a car and/or accessories for a car or other, thereafter uploading the selected items ordered, with the desired model and features or accessories for a car, for example, as is obvious to those skilled in the art.

Claims 15, 37, 39 are analyzed and discussed with respect to the claims above.

4. Claims 4, 7 {second rejection to claims 7 & 32}, 10, 18-19, 23-24, 29, 32, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al. (US 6,580,870) in view of Lyons (US 5,623,656).

Regarding claim 4, Kanazawa has the knowledge of SCRIPT and some suggested uses/functions associated, but, fails to disclose a wireless connection with respect to a remote site to allow for updating/modifying of script or scripts received by the user, thru a wireless means to communicate.

The examiner takes official notice that wireless between a server and device is well known, being an obvious conventional means for communications, therefore, it would have been obvious to utilize one of the many means to wirelessly receive and transfer requests by the user thru a wireless means, as is well known.

Lyons teaches that HTML script files can be updated from a remote server and teaches at col. 3, "script processor 104 may be broadly categorized as text insertion, conditional text insertion, database record access, conditional script redirection. Text insertion would result in the particular data block information being inserted into the HTML-D script that will be transmitted back to the client … to fill in a particular field of the initial text-based FIF script with his or her name ………… the name data could be inserted to appear in the next HTML script file that would be viewed by the client, therefore, providing an updated HTML script, modified from the first including a name.

Therefore, it would have been obvious to those skilled in
the art at the time of the invention to modify Kanazawa by
providing the teaching of Lyons, thereby modifying initially
received scripts, therefore modified or updated, from a remote
cite, as taught by Lyons, and further an obvious design choice
to utilize wireless being one of known means to communicate,
as is well known and obvious to those skilled in the art.

Claim 7 is met by the combination as applied obvious in
view of Lyons, renders obvious that the received HTML with
script, provides for, "conditional text insertion" of the HTML
script, reads on and renders obvious to drop or means to for
dropping user inputs, when not appropriate such as a
conditional text field having HTML with script for a text
entry which will not accept or drop inappropriate inputs from
the user.

Regarding claim 19, the combination as applied provides for
modifying script, script fields requiring specific inputs,
dropping others, but, the art fails to particularly disclose
that upon modifying the script from the remote wireless server
for example that the script is modified in such a way to such
that the control of the receipt of the user inputs is not
changed to the second process,
in other words to disable a previous script control by
modifying the script, thereby disabling user responses for such
as not changing to the second process either for a period or
permanently.
The examiner takes official notice that disabling functions
associated with script by changing or modifying would have been
obvious to those skilled in the art, as the script dictates user
controls, therefore, it would have been obvious to modify script
to disable functions, as desired from a remote server, thereby
changing the user options such as to disable user changing
modes, by disabling previous options, as is considered to be
obvious to those skilled in the art.

Claims 10, 18, 23, 24, 29 and 34 are analyzed and discussed
with respect to the claims above.

5. Claims 2, 20, 25, 27 are rejected under 35 U.S.C. 103(a) as
   being unpatentable over Kanazawa et al. (US 6,580,870) in view
   of Humpleman et al. (US 6,288,716).

Regarding claim 2, Kanazawa provides for triggering video playback after rendering, but fails to show displaying a second ML page that includes a second script for changing control from the second mode (URL-HTML interface), back to the first (DVD playback), deemed met by some sort of user interaction with a displayed such as HTML with script, either causing closing the browser, or even triggering DVD playback mode, based on the broad claim language used.

Humpleman teaches in Fig. 11, controlling a DVD with GUI interface 708, providing for play and other commands, wherein according to col. 4, providing an interface for the commanding and controlling of home devices, wherein each device contains interface data (e.g. HTML, XML, JAVA, JAVASRIPT .... or any other format used for the intended purpose, as taught by Humpleman.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to utilize HTML and JavaScript, or HTML with some sort of scripting language {there are many}, to provide a GUI to the user to trigger video playback thereby allowing the changing of modes of operation or operating environments, thereby to, "displaying a second HTML page with script, for changing control from the second mode to the first for example or other as desire by the user, with a rendered and displayed HTML with script to facilitate the control to the user as taught by Humpleman, as is obvious to those skilled in the art.

Claims 20, 25, 27 are analyzed and discussed with respect to the claims above.

6. Claims 3 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kanazawa et al. (US 6,580,870) and Humpleman et al.(US 6,288,716), as applied above and further in view of Lyons (US 5,623,656).

Claims 3 and 28 are rendered obvious in view of Lyons as applied to claim 4, above, wherein it is further obvious that if one script can be modified all scripts can be modified, as is obvious as applied above with Lyons, the examiner incorporates the detailed combination with Lyons herein.

7. Claims 16, 38, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kanazawa et al. (US

6,580,870) and Gerba et al. (US 5,931,908) and further in view
of Lyons (US 5,623,656).

Regarding claims 16, 38 and 40 the combination with
Kanazawa has the knowledge of SCRIPT and some suggested
uses/functions associated, but, fails to disclose a wireless
connection with respect to a remote site to allow for updating
of script or scripts received by the user thru a wireless
means to communicate.

The examiner takes official notice that wireless between a
server and device is well known, being an obvious conventional
means for communications, therefore, it would have been
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or her name ………… the name data could be inserted to appear in
the next HTML script file that would be viewed by the client,
therefore, providing an updated HTML script, modified from the
first including a name.

Therefore, it would have been obvious to those skilled in
the art at the time of the invention to modify Kanazawa by
providing the teaching of Lyons, thereby modifying initially
received scripts, therefore modified or updated, from a remote
cite, as taught by Lyons, and further an obvious design choice
to utilize wireless being one of known means to communicate,
as is well known and obvious to those skilled in the art.

Contact Fax Information

Any response to this action should be mailed to:
        Commissioner of Patents and Trademarks
        Washington, D.C. 20231

or   faxed to:

        (703) 872-9314, (for formal communication
        intended for entry)

or:
>   (703) 308-5359, (for informal or draft communications,
>   please label "PROPOSED" or "DRAFT")
>
>   Hand-delivered responses should be brought to Crystal
>   Park II, 2121 Crystal Drive, Arlington, VA., Sixth
>   Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier
communications should be directed to the examiner of
record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F.
Boccio (703) 306-3022.

Any inquiry of a general nature or relating to the status
of this application should be directed to Customer Service
(703) 306-0377.

Primary Examiner, Boccio, Vincent
2/7/05
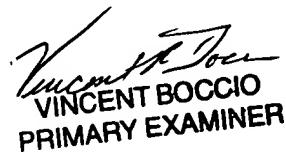
VINCENT BOCCIO
PRIMARY EXAMINER